



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 13 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

Dale C. Hoette
Vice President
Bluff City Minerals
4007 College Avenue
Alton, Illinois 62002

Re: Administrative Order EPA-5-15-113(a)-IL-2

Dear Mr. Hoette:

Enclosed is a copy of the executed Administrative Consent Order regarding the above captioned case. If you have any questions about the Order, please contact me at (312) 886-6073.

Sincerely,

A handwritten signature in cursive script, which appears to read "Brian Dickens", is written below the word "Sincerely".

Brian Dickens
Chief
Air Enforcement and Compliance Assurance Section (MN/OH)

Enclosure:

cc: Eric Jones, Manager
Compliance Unit
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue east
Springfield, Illinois 62794

Richard A. Ahrens
600 Washington Avenue
Suite 2500
Saint Louis, Missouri 63101-1311

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	EPA-5-15-113(a)-IL-2
)	
Bluff City Minerals)	Proceeding Under Section 113(a)(3) of the
Alton, Illinois)	Clean Air Act, 42 U.S.C. § 7413(a)(3)
)	
<u>Respondent</u>)	

Administrative Consent Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Order to Bluff City Minerals under Section 113(a)(3) of the Clean Air Act (CAA or the Act), 42 U.S.C. § 7413(a)(3).

Statutory and Regulatory Background

2. Section 108(a)(1) of the Act, 42 U.S.C. § 7408(a)(1), requires the Administrator to publish, and from time to time revise, a list which includes each air pollutant: (A) emissions of which, in the Administrator's judgment, cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare; (B) the presence of which in the ambient air results from numerous or diverse mobile or stationary sources; and (C) for which air quality criteria had not been issued before the date of enactment of the CAA of 1970, but for which the Administrator plans to issue air quality criteria under this section.

3. Section 108(a)(2) of the Act, 42 U.S.C. § 7408(a)(2), requires the Administrator to issue air quality criteria for an air pollutant after it is included in the list required by Section 108(a)(1).

4. Section 109 of the Act, 42 U.S.C. § 7409, requires the Administrator to promulgate national primary and secondary ambient air quality standards (NAAQS) requisite to protect the public health and welfare.

5. Section 110 of the Act, 42 U.S.C. § 7410, requires each state to adopt and submit to the Administrator for approval a state implementation plan (SIP) that provides for the attainment and maintenance of the NAAQS.

6. The Administrator approved Illinois Pollution Control Board (IPCB) Rule 203(f) as part of the Illinois State Implementation Plan (IL SIP) on February 21, 1980 with an effective date of February 21, 1980, as amended on April 26, 1982, with an effective date of May 26, 1982. 45 Fed. Reg. 11472, 11493, as amended, 47 Fed. Reg. 17814, 17816.

7. The Administrator approved 35 Illinois Administrative Code (IAC) § 211.4970 as part of the IL SIP on January 26, 1996, with an effective date of March 26, 1996. 61 Fed. Reg. 2423, 2427.

8. The Administrator approved 35 IAC § 212.309 as part of the IL SIP on July 14, 1999, with an effective date of September 13, 1999. 64 Fed. Reg. 37847, 37851.

9. The Administrator approved Illinois' Federally Enforceable State Operating Permit Program as part of the IL SIP on December 17, 1992, with an effective date of February 16, 1993. 57 Fed. Reg. 59928.

10. The Administrator granted final approval of the Illinois Title V Permit Program on December 4, 2001, with an effective date of November 30, 2001. 66 Fed. Reg. 62946.

11. Section 111(b)(1)(A) of the Act, 42 U.S.C. § 7411(b)(1)(A), requires the Administrator to publish, and from time to time revise, a list of categories of stationary sources which in the Administrator's judgment cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare.

12. Section 111(b)(1)(B) of the Act, 42 U.S.C. § 7411(b)(1)(B), requires the Administrator to propose and promulgate regulations establishing federal standards of performance for new sources within the listed stationary source categories.

13. The Administrator published a list of source categories in accordance with

Section 111 of the Act, 42 U.S.C. § 7411, on January 8, 1982. 47 Fed. Reg. 951 (codified at 40 C.F.R. § 60.16).

14. The prioritized list of source categories includes Non-Metallic Mineral Processing (priority 13). 40 C.F.R. § 60.16.

15. The Administrator promulgated the General Provisions of 40 C.F.R. Part 60, Subpart A on December 23, 1971. 36 Fed. Reg. 24877 (codified at 40 C.F.R. Part 60, Subpart A).

16. The Administrator promulgated Standards of Performance for Nonmetallic Mineral Processing Plants on August 1, 1985, as amended April 28, 2009. 50 Fed. Reg. 31328, as amended, 74 Fed. Reg. 19309.

17. Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), states that whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated or is in violation of any requirement or prohibition of an applicable implementation plan or permit, the Administrator shall notify the person and the State in which the plan applies of such finding. At any time after the expiration of 30 days following the date on which such notice of a violation is issued, the Administrator may, (A) issue an order requiring such person to comply with the requirements or prohibitions of such plan or permit, (B) issue an administrative penalty order, or (C) bring a civil action in accordance with Section 113(b) of the Act, 42 U.S.C. § 7413(b).

18. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), states that whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated, or is in violation of, any other requirement or prohibition of this subchapter, section 7603 of this title, subchapter IV-A, subchapter V, or subchapter VI of this chapter, including but not limited to, a requirement or prohibition of any rule, plan, order, waiver, or permit promulgated, issued or approved under those provisions or subchapters . . . the

Administrator may (A) issue an administrative penalty order, (B) issue an order requiring such person to comply with such requirement or prohibition, (C) bring a civil action, or (D) request the Attorney General to commence a criminal action.

19. The Administrator promulgated 40 C.F.R. § 52.23 on September 18, 1974, as amended, June 28, 1989. 39 Fed. Reg. 33512, as amended, 54 Fed. Reg. 27274, 27285.

20. 40 C.F.R. § 52.23 states that failure to comply with any provisions of this part, with any approved regulatory provision of a State implementation plan, or with any permit limitation or condition contained within an operating permit issued under an EPA-approved program. . . shall render the person. . . so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

21. The IL SIP requirements relevant to this Administrative Consent Order (ACO) are as follows:

- a. IPCB Rule 203(f)(1) [35 IAC § 212.301] states that no person shall cause or allow the emissions of fugitive particulate matter from any process, including any material handling or storage activity, that is visible by an observer looking generally toward the zenith at a point beyond the property line of the emission source.
- b. IPCB Rule 203(f)(3)(C) [35 IAC § 212.306] states that all normal traffic pattern access areas surrounding storage piles and all normal traffic pattern roads and parking facilities which are located on mining or manufacturing property shall be paved or treated with water, oils, or chemical dust suppressants. All paved areas shall be cleaned on a regular basis. All areas treated with water, oils, or chemical dust suppressants shall have the treatment applied on a regular basis, as needed, in accordance with the

operating program required by rule 203(f)(3)(F).

- c. 35 IAC § 212.309 states that the emission units described in Sections 212.304 through 212.308 and Section 212.316 of this Subpart shall be operated under the provisions of an operating program. Such operating program shall be designed to significantly reduce fugitive particulate matter emissions.
- d. IPCB Rule 203(f)(3)(F) [35 IAC § 212.310(e)-(g)] establishes the minimum requirements of the operating program which includes: a detailed description of the best management practices utilized to achieve compliance with this Subpart, including an engineering specification of particulate collection equipment, application systems for water, oil, chemicals, and dust suppressants utilized and equivalent methods utilized; estimated frequency of application of dust suppressants by location of materials; and such other information as may be necessary to facilitate the Agency's review of the operating program.
- e. 35 IAC § 211.4970 defines "Potential to Emit" as the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restriction on hours of operation or on a type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is federally enforceable.

22. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), states that after the effective date of any permit program approved or promulgated under this title, it shall be unlawful for any person to violate any requirement of a permit issued under this title, or to operate an affected

source, a major source, any other source subject to standards or regulations under Section 111 or 112, 42 U.S.C. §§ 7411 or 7412, except in compliance with a permit issued by a permitting authority under this title.

23. Section 503(a) of the Act, 42 U.S.C. § 7661b(a) states that any source specified in section 502(a) shall become subject to a permit program, and required to have a permit, on the later of the effective date of a permit program or the date such source becomes subject to section 502(a), 42 U.S.C. § 7661a(a).

24. Section 503(c) of the Act, 42 U.S.C. § 7661b(c) states that any person required to have a permit shall, not later than 12 months after the date on which the source becomes subject to a permit program approved or promulgated under this title submit to the permitting authority a compliance plan and an application for a permit signed by a responsible official.

25. Section 504(a) of the Act, 42 U.S.C. § 7661c(a) states that each permit issued under this title shall include enforceable emission limitations and standards, a schedule of compliance, a requirement that the permittee submit to the permitting authority, no less often than every 6 months, the results of any required monitoring, and such other conditions as are necessary to assure compliance with applicable requirements of this Act, including the requirements of the applicable implementation plan.

26. The requirements of the General Provisions to 40 C.F.R. Part 60, Subpart A and 40 C.F.R. Part 60, Subpart OOO relevant to this ACO are as follows:

- a. 40 C.F.R. § 60.7(a)(3) requires any owner or operator subject to the provisions of this part to furnish to the Administrator a notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.
- b. 40 C.F.R. § 60.7(a)(4) requires a notification of any physical or operational change to an existing facility which may increase the emission

rate of any air pollutant to which a standard applies. This notice must be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change.

- c. 40 C.F.R. § 60.11(b) requires compliance with opacity standards in this part shall be determined by conducting observations in accordance with Method 9 in Appendix A to this part.
- d. 40 C.F.R. § 60.11(d) requires at all times, including periods of startup, shutdown, and malfunction owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.
- e. 40 C.F.R. § 60.11(e)(1) requires, for purposes of demonstrating initial compliance, that opacity observations be conducted within 60 days after achieving the maximum production rate at which the affected facility will be operated but no later than 180 days after initial startup of the facility.
- f. BCM has one or more affected facilities identified at 40 C.F.R. § 60.670(a)(1).
- g. BCM has one or more affected facilities that commenced construction, modification, or reconstruction after August 31, 1983.
40 C.F.R. § 60.670(e).

- h. BCM has one or more affected facilities that commenced construction, modification, or reconstruction after April 22, 2008.
- i. 40 C.F.R. § 60.670(f) states that Table 1 of this Subpart specifies the provisions of Subpart A of this Part 60 that apply to affected facilities with certain exceptions.
- j. 40 C.F.R. § 60.672(b) requires affected facilities to meet the fugitive emission limits and compliance requirements in Table 3 of this Subpart within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under 40 C.F.R. § 60.11.
- k. 40 C.F.R. § 60.675(c)(1) states, in determining compliance with the particulate matter standards in 40 C.F.R. §§ 60.672(b) or 60.672(e)(1), the owner or operator shall use Method 9 of Appendix A-4 of this part and the procedures in 40 C.F.R. § 60.11.
- l. 40 C.F.R. § 60.676(i)(1) requires a notification of the actual date of initial startup of each affected facility to be submitted to the Administrator. The notification shall be postmarked within 15 days after such date and shall include a description of each affected facility, equipment manufacturer, and serial number of the equipment, if available.
- m. 40 C.F.R. Part 60, Subpart OOO, Table 1 states that 40 C.F.R. § 60.7 applies to Subpart OOO except the requirement to submit a notification of the date construction commenced or reconstruction commenced.

- n. 40 C.F.R. Part 60, Subpart OOO, Table 1 states that 40 C.F.R. § 60.11 applies except that Method 9 observation is reduced from 3 hours to 30 minutes.
- o. 40 C.F.R. Part 60, Subpart OOO, Table 3 establishes fugitive emission limitations for affected facilities that commenced construction, modification, or reconstruction after August 31, 1983, but before April 22, 2008, as well as affected facilities that commence construction, reconstruction, or modification after April 22, 2008.
- p. 40 C.F.R. Part 60, Subpart OOO, Table 3 requires the owner or operator of affected facilities that commence construction, modification, or reconstruction on or after April 22, 2008, demonstrate compliance with applicable fugitive emission limitations by conducting an initial performance test according to 40 C.F.R. § 60.11 of this part and 40 C.F.R. § 60.675 of this subpart.

27. Section 113(a)(3) of the CAA states that whenever, on the basis of any information available to the Administrator of EPA, the Administrator finds that any person has violated or is in violation of any requirement or prohibition of this Subchapter, the Administrator may issue an order requiring such person to comply with such requirement or prohibition. This authority has been delegated to the Director of the Air and Radiation Division. EPA Delegation 7-6-A, 8/9/94; Region 5 Delegation 7-6-A, 2/4/00.

Findings

28. Respondent owns and operates an aggregate processing plant at 4007 College Avenue, Alton, Illinois (Facility).

29. The Facility is a stationary source as defined in the Illinois SIP, 40 C.F.R. § 60.2 and the CAA.

30. The Facility is a nonmetallic mineral processing facility as that term is defined at 40 C.F.R. § 60.671.

31. The Facility has one or more affected sources as that term is defined at 40 C.F.R. § 60.670(a)(1).

32. The following table identifies affected sources that the Facility commenced construction, modification, or reconstruction on or after August 31, 1983, based on a letter dated August 3, 2012, from Fred Weber Inc. to Mr. David Bloomberg at the Illinois Environmental Protection Agency.

Unit Number	Year
292511	1995
292546	2005
Belt 15.5	2006
Belt 13 (292509)	1995
292508	1995
292506	2011 (Modified)
292408	1995
292510	1995
Belt OS-2	2002
292202	1995
292507	2011
292505	1997 and 2011 (Modified)
292512	1997
292513	1997
292400	2000
292518	2002
292517	1997
292538	1997
292522	1997
292527	1997
292519	1997
292526	1997
292524	1997
292523	1997
292529	1997

292514	2011
Lime stacker belt	2002
292814	2005
292545	2005
292414	2005
Belt 6A	2012
291219	2011
292103	2007
Belt 3	2011
292408	1995

33. The Facility commenced construction, reconstruction, or modification of the following equipment after April 22, 2008: 292505, 292506, 292507, 292514, 291219, Belt 3, and Belt 6A.

34. The Facility has a Lifetime General Operating Permit for the Aggregate Processing Plant that was issued September 28, 2000.

35. The Facility does not have a Federally Enforceable State Operating Permit issued in accordance with an approved Title V permitting program.

36. The Facility does not have a Title V permit issued in accordance with an approved Title V permitting program.

37. The Facility has a fugitive dust operation program dated January 16, 2001 (at that time the facility was Mississippi Lime Company).

38. The January 16, 2001 fugitive dust operation program states, among other things:

- a. Additional water is added to the stone after crushing and sizing.
- b. The wet suppression systems assure that 90% plus control is provided during the growth of the storage piles.
- c. Asphalt roadways throughout the plant and leading to Route 140 are pressure washed.

- d. Heavily travelled unpaved, off road areas around the stockpiles where customer trucks are loaded are sprayed down during dry conditions to reduce the generation of fugitive dust.

39. EPA conducted an inspection at the Facility on March 12, 2014.

40. EPA informed the Facility during the close out meeting on March 12, 2014, of some general areas of concern including maintenance practices and that an overall facility clean-up plan may be needed.

41. The Facility submitted a letter dated April 9, 2014 to Mr. David Bloomberg of the Illinois Environmental Protection Agency.

42. The April 9, 2014 letter stated Fred Weber, Inc. [the parent company of Bluff City Minerals] is currently undergoing an internal audit at the Bluff City Minerals Acquisition, LLC – Alton Mines, initiated by a site visit made by EPA on March 12, 2014.

43. The April 9, 2014 letter states results of the audit to date indicate that exceedances have occurred at the site, in violation of permit conditions.

44. The April 9, 2014 letter also lists potential violations of the Lifetime General Operating Permit for Aggregate Processing Plant, actions taken, to date, to minimize fugitive emissions from sources at the site, recordkeeping practices, and establishment of a checks and balances system to assure ongoing compliance with permit terms and conditions.

45. The April 9, 2014 letter identifies, among others, the following:

- a. During EPA site visit, it was discovered that the VSI#1 crusher, conveyor belt 13, pep screen, and two screen discharge conveyors appeared to be exhibiting opacity greater than 10 percent (although a formal Method 9 assessment was not conducted).

- b. Following EPA's site visit, it was discovered that the baghouse booster fan that facilitates the draw of emissions from the VSI#1 crusher to the baghouse was not functioning properly.
- c. The surface moisture content of the aggregate as crushed was not being documented by either weekly records of moisture content sampling results or weekly records of water spray system inspections.
- d. EPA noted, during their site visit, that visible emissions crossed the property boundary on March 10th.
- e. Issues related to water sprays and the baghouse may be considered a violation of the Lifetime Operating Permits requiring all equipment at the source covered under the permit to be maintained in such a manner that the performance of such equipment shall not cause a violation of the [Illinois] Environmental Protection Act or regulations promulgated thereunder.

46. The facility violated the Illinois State Implementation Plan, 40 C.F.R. Part 60, Subpart OOO, and the CAA as follows:

- a. Particulate matter crossed the facility's property line on at least two occasions (March 10, 2014 and May 21, 2014) in violation of IPCB Rule 203(f)(1) [35 IAC § 212.301] of the IL SIP and the CAA.
- b. Visible emissions arose from stock piles and roadways within the facility and leading out of the facility without the sufficient application of water or other dust suppression techniques on at least three separate occasions (March 10, 2014, March 12, 2014, and May 21, 2014) in violation of

IPCB Rule 203(f)(3)(C) [35 IAC § 212.306] of the IL SIP, 35 IAC § 212.309 of the IL SIP, and the CAA.

- c. Fugitive dust emissions arose from storage piles, affected facilities, and spills throughout the process area without the sufficient application of water or other dust suppression techniques to minimize fugitive dust emissions in violation of 40 C.F.R. § 60.11(d), 40 C.F.R. § 60.670(f)(1), 40 C.F.R. Part 60, Subpart OOO, Table 1, and the CAA.
- d. The Facility submitted certain notifications of the actual date of initial startup of affected facilities that were postmarked more than 15 days after such date in violation of 40 C.F.R. § 60.7(a)(3), 40 C.F.R. § 60.670(f)(1), 40 C.F.R. Part 60, Subpart OOO, Table 1, and the CAA.
- e. The Facility failed to submit some notifications of the actual date of initial startup of affected facilities in violation of 40 C.F.R. § 60.7(a)(3), 40 C.F.R. § 60.670(f)(1), 40 C.F.R. Part 60, Subpart OOO, Table 1, and the CAA.
- f. The Facility failed to submit notifications of physical or operational changes to an existing facility which may increase the emission rate of any pollutant to which a standard applies that were postmarked within 60 days or as soon as practicable before the change is commenced in violation of 40 C.F.R. § 60.7(a)(4), 40 C.F.R. § 60.670(f)(1), 40 C.F.R. Part 60, Subpart OOO, Table 1, and the CAA.
- g. The Facility failed to conduct some initial testing to demonstrate compliance with the fugitive emission particulate matter standards within

60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup in violation of 40 C.F.R. § 60.11(e)(1), 40 C.F.R. § 60.675(c)(1), 40 C.F.R. Part 60, Subpart OOO, Table 3, and the CAA.

- h. The Facility neither applied for and obtained a Title V permit nor applied for and obtained a Federally Enforceable State Operating Permit (FESOP) when its potential emissions (considering federally enforceable limitations) are greater than 100 tons per year in violation of the IL SIP and the CAA.

47. EPA issued a Notice of Violation and Finding of Violation (NOV/FOV) to the Facility on August 7, 2014.

48. Representatives from EPA, Bluff City Minerals, and Fred Weber, Inc. met on September 9, 2014, to discuss the NOV/FOV issued on August 7, 2014.

Compliance Program

49. Bluff City Minerals must achieve and maintain continuous compliance with the Standards of Performance for Nonmetallic Mineral Processing Plants (40 C.F.R. Part 60, Subpart OOO) no later than one year after the effective date of this Order, unless otherwise specified herein.

50. Bluff City Minerals must achieve and maintain continuous compliance with the IL SIP provisions specified in Paragraph 21 no later than one year after the effective date of this Order, unless otherwise specified herein.

51. Bluff City Minerals must apply for either a FESOP or a Title V permit no later than 180 days after the effective date of this Order.

52. Bluff City Minerals must revise (to the extent it has not already completed required revisions), and periodically update as needed, its operating program under the IL SIP such that fugitive particulate matter emissions are significantly reduced at all times the Facility is operating no later than 180 days after the effective date of this Order.

53. Bluff City Minerals must revise, and periodically update as needed, its Operation and Maintenance Plan to assure all affected sources and associated air pollution control devices (baghouses, water spray systems, capture systems, etc.) are maintained and operated in a manner consistent with good air pollution control practices to minimize emissions during all periods of operation including periods of startup, shutdown, and malfunction no later than 180 days after the effective date of this Order.

54. Bluff City Minerals must develop and implement a recordkeeping system designed to facilitate documentation of compliance with all required limitations and practices in its permits and applicable regulations no later than 180 days after the effective date of this Order.

55. Bluff City Minerals must revise and implement a compliance management system to facilitate compliance with all recordkeeping and reporting requirements as well as regularly scheduled audits no later than 180 days after the effective date of this Order.

56. Bluff City Minerals must submit outstanding notifications of initial startup for each affected facility, as defined at 40 C.F.R. Part 60, Subpart OOO, which started up later than January 1, 2010. Bluff City Minerals must submit outstanding notifications of physical or operational changes to an existing facility, as defined at 40 C.F.R. Part 60, Subpart OOO, which occurred from January 1, 2010 to the present. Bluff City Minerals may submit a single

notification which identifies each affected facility, the date of installation, the date of initial startup, the date of physical or operational changes to an existing facility which may increase the emission rate of any pollutant to which a standard applies, and other items required by 40 C.F.R. § 60.7(a)(1)-(5). This notification must be submitted no later than 90 days after the effective date of this Order.

57. Bluff City Minerals must monitor its operations in accordance with 40 C.F.R. § 60.674. This monitoring includes, among other things, periodic inspections of the water suppression systems, baghouse operations, and visible emissions evaluations. Failure to conduct this monitoring will be considered a violation of 40 C.F.R. Part 60, Subpart OOO and the CAA.

58. Bluff City Minerals must initiate corrective actions within 24 hours of identifying a problem with the water suppression systems, baghouse operation, or observation of visible emissions. This requirement is in addition to the requirements of 40 C.F.R. § 60.674.

59. Bluff City Minerals must develop and continuously implement standard operating procedures which establish practices designed to minimize emissions of particulate matter and fugitive dust in a manner consistent with good air pollution control practices to minimize emissions. These procedures must include actions to maintain buildings, egress points from buildings, affected sources (both enclosed within buildings and open to the atmosphere), and associated air pollution control devices and practices (water suppression systems, baghouses, roadway watering, and roadway sweeping trucks, etc.) in good working order (for example sealing or enclosing holes in building walls, maintaining buildings under a negative pressure, cleaning up spills under conveyor belts, consistent roadway watering, and sweeping schedules, etc.) such that particulate matter emissions and fugitive dust emissions are minimized or eliminated. Failure to fully implement the standard operating procedures designed for this

purpose will be considered a violation of 40 C.F.R. Part 60, General Provisions, 40 C.F.R. Part 60, Subpart OOO, and/or the CAA.

Reporting and Record Keeping

60. Bluff City Minerals must submit quarterly reports to EPA which describe the actions taken to date and planned for the next quarter regarding the various compliance requirements of this Order. The reports must be submitted to EPA no later than 30 days after the end of each calendar year quarter (April 30, 2015; July 30, 2015; October 30, 2015; and January 30, 2016). If Bluff City Minerals took actions regarding compliance prior to the effective date of this Order, then those actions must be described in the first quarterly report.

61. Bluff City Minerals must submit quarterly reports to EPA for review and evaluation of compliance by EPA in accordance with 40 C.F.R. Part 60, Subpart OOO. The quarterly reports must include, at a minimum, information required by 40 C.F.R. §§ 60.7(b)-(c) and 60.676. These quarterly reports must also include information regarding the Facility's implementation of good air pollution control practices to minimize emissions required in Paragraphs 53 and 59 of this Order. An excess emission, for purposes of these reports, include any period when the baghouse was not operating correctly, water suppression systems were not used or operating correctly, any observation of visible emissions from a stack, storage pile, building, building egress point, or roadway, and any period when dust minimization practices were not implemented in accordance with Bluff City Minerals' Operation and Maintenance Plan or 40 C.F.R. Part 60, Subparts A and OOO. These quarterly reports must be submitted to EPA no later than 30 days after the end of each calendar year quarter (April 30, 2015; July 30, 2015; October 30, 2015; and January 30, 2016).

62. Bluff City Minerals must maintain copies of all records and reports required by

this Order in a readily reviewable format for at least one year after the effective date of this Order. This Paragraph does not affect the general reporting and record-keeping requirements of 40 C.F.R. Part 60, Subparts A and OOO which require all records and reports be maintained in a readily accessible and reviewable format for a minimum of five years. The most recent two years of records and reports must be maintained on site while the remaining three years can be maintained off site.

63. Bluff City Minerals may submit a single quarterly report for each reporting quarter which covers all the requirements in Paragraphs 60-62 of this Order.

64. The time frame covered by the quarterly reports is January – March, April – June, July – September, and October – December of the respective calendar year. The first quarterly report will be for January – March, 2015 and due, in accordance with Paragraph 65, by April 30, 2015.

65. Bluff City Minerals must submit each report, plan, or other deliverable required by this ACO to EPA at the following addresses:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Robert H. Smith (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Bluff City Minerals may, upon notification to and agreement from EPA, submit each report, plan, or other deliverable to EPA electronically at R5airenforcement@epa.gov. Any electronic submissions should also include a carbon copy to Vuilleumier.kevin@epa.gov and

smith.roberth@epa.gov.

66. In each report that Respondent submits as provided by this ACO, it must certify that the report is true and complete. Additionally, Respondent will certify that it is in compliance with the requirements of Paragraphs 49 and 50 once it has achieved compliance with those requirements. These certifications will include the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Permit Revisions:

67. Bluff City Minerals must submit a copy of the application it submits for purposes of complying with Paragraph 51 of this Order (FESOP or Title V Permit Application) to EPA in accordance with Paragraph 65 at the same time that it submits its application to the State.

68. Bluff City Minerals must incorporate the requirements of Paragraphs 49 and 50, Paragraphs 52-55, and Paragraphs 57-59 of this Order into its FESOP or Title V Permit as federally enforceable conditions. Upon termination of this Order the reports required by Paragraphs 49 and 50, Paragraphs 52-55, Paragraphs 57-59, and the reports required by 40 C.F.R. Part 60, Subparts A and OOO will only need to be submitted to the State unless otherwise requested or required by regulation. If Bluff City Minerals elects to apply for and obtain a FESOP, then each operational limitation, production limitation, or other limit designed to assure emissions of any regulated pollutant is below the major source threshold for Title V must be incorporated into its permit as federally enforceable conditions.

69. Bluff City Minerals must update its FESOP or Title V permit upon construction, reconstruction, or modification of an affected source as defined at 40 C.F.R. Part 60, Subpart

000.

70. Bluff City Minerals must incorporate the applicable requirements of 40 C.F.R. Part 60, Subparts A and 000 into its FESOP or Title V permit. This includes the revised emission limitations in 40 C.F.R. Part 60, Subpart 000, Table 3 for sources constructed, reconstructed, or modified after April 22, 2008.

71. Bluff City Minerals must revise its construction permits to incorporate the requirements of Paragraphs 49 and 50, Paragraphs 52-55, and Paragraphs 57-59 of this Order.

General Provisions

72. This Order does not affect Bluff City Minerals' responsibility to comply with other federal, state, and local laws.

73. This Order does not restrict EPA's authority to enforce the Illinois State Implementation Plan, Section 111 of the CAA, or any other section of the CAA.

74. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the CAA, 42 U.S.C. § 7413, for Bluff City Minerals' violations of 40 C.F.R. Part 60, Subparts A and 000, the Illinois SIP, or the CAA.

75. Failure to comply with this Order may subject Bluff City Minerals to penalties of up to \$37,500 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

76. The terms of this Order are binding on Bluff City Minerals, its assignees, and successors. Bluff City Minerals must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.

77. Bluff City Minerals may assert a claim of business confidentiality under

40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Bluff City Minerals fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under this Order or any other requirement of the CAA is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B.

“Emission data” is defined at 40 C.F.R. § 2.301.

78. This order is not subject to the Paperwork Reduction Act, 44 U.S.C. §§ 3501 et seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic recordkeeping efforts, please furnish an electronic copy of each report, plan, or other deliverable via e-mail as provided for in Paragraph 65, or on physical media such as compact disk, flash drive, or other similar item. If it is not possible to submit the information electronically, submit the response to this order without staples, although paper clips, binder clips, and three ring binders are acceptable.

79. EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action.

80. Bluff City Minerals agrees to the terms of this Order.


81. Bluff City Minerals neither admits nor denies the specific factual allegations set forth above in this Order.

82. Bluff City Minerals must achieve compliance with all requirements of this Order no later than one year after the effective date of this Order.

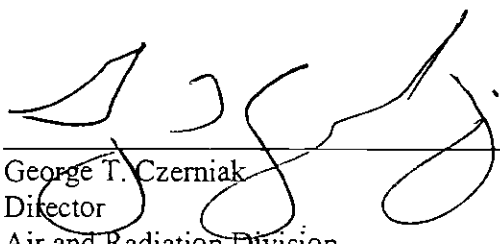
83. This Order will terminate two years after the effective date of this Order, provided that Bluff City Minerals' has complied with all terms of the Order throughout its duration. Alternatively, this Order may terminate at an earlier date if Bluff City Minerals requests EPA to terminate this Order after Bluff City Minerals achieves compliance with all requirements of this Order. To request termination of the Order, Bluff City Minerals must submit to EPA a "final notification" which describes Bluff City Minerals' compliance actions and basis for believing that such actions have met the requirements of this Order. The notification will be reviewed by EPA and, if EPA agrees with Bluff City Minerals' assessment, the Order will be terminated through a letter from EPA to Bluff City Minerals.

84. This order is effective on the date of signature by the Director of the Air and Radiation Division.

4/11/2015
Date


Dale C. Hoette, Vice President
Bluff City Minerals

4/13/15
Date


George T. Czerniak
Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent the Administrative Consent Order, EPA-5-15-113(a)-IL-2, by certified mail, return receipt requested, to:

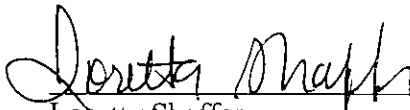
Dale C. Hoette
Vice President
Bluff City Minerals
4007 College Avenue
Alton, Illinois 62002

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-15-113(a)-IL-2, by first-class mail to:

Richard A. Ahrens
600 Washington Avenue
Suite 2500
Saint Louis, Missouri 63101-1311

Eric Jones, Manager
Compliance Unit
Bureau of Air
Illinois Environmental Protection
Agency
1021 North Grand Avenue East
Springfield, Illinois 62794

On the 15 day of April 2015.



Loretta Shaffer
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT
NUMBER:

7014 2870 0001 9580 5081